

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.D.L., A.J.L., D.G.L., C.L.W., and
A.B.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NEALMETRIA LITRANA LOPER,

Respondent-Appellant,

and

ALEXANDER GARAVIA GULLEY and
CLIFTON LEVY WATSON,

Respondents.

Before: Whitbeck, C.J., and White and Donofrio, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(g) and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL

¹ The trial court's order also terminated the parental rights of respondent Alexander Garavia Gulley, the putative father of J.D.L., and respondent Clifton Levy Watson, the legal father of A.J.L., D.G.L., C.L.W., and A.B.W. Gulley and Watson have not appealed the order.

712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

The trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent-appellant's parental rights. The evidence showed that the children were removed from respondent-appellant's custody because the family home was uninhabitable. Respondent-appellant had a ten-year history of involvement with protective services, during which she demonstrated a continuing inability to comply with a parent-agency agreement or to provide proper care and custody for the children. At the permanent custody hearing, respondent-appellant acknowledged that she was unable to formulate a plan for the care of the children. The trial court did not clearly err in finding that termination of respondent-appellant's parental rights was warranted on the grounds that she could not provide proper care or custody for the children and would be unable to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was likely that the children would be harmed if returned to respondent's custody, MCL 712A.19b(3)(j).² The evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(3)(5); *Trejo*, *supra*.

Affirmed.

/s/ William C. Whitbeck

/s/ Helene N. White

/s/ Pat M. Donofrio

² Respondent-appellant's assertion that the trial court also terminated her parental rights pursuant to MCL 712A.19b(3)(h) and (i) is erroneous.